

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

EASTERN DIVISION

ALFONZO DEMITRIO ROWE )  
                            )  
                            )  
v.                          ) CV. NO. 09-B-8024-E  
                            )  
UNITED STATES OF AMERICA     ) CR. NO. 08-B-29-E  
                            )

MEMORANDUM OPINION

The magistrate judge filed findings and recommendation on October 15, 2009 recommending that the motion to vacate be dismissed as barred by the valid appeal waiver in his plea agreement. The parties were allowed an opportunity in which to file objections. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, the motion to vacate is due to be **DISMISSED**. A Final Judgment will be entered.

As to the foregoing it is **SO ORDERED** this the 10th day of November, 2009.

  
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SHARON LOVELACE BLACKBURN  
CHIEF UNITED STATES DISTRICT JUDGE